



Committee Approver	Operations Committee
Stakeholder Consultation	
Date Approved	
Classification	Policy (sitting as an appendix to H&S Policy)
Title	No Access Policy
Revision Date	October 2023
Revised by	Director of Assets Head of Assets Head of Housing Asset Team Leader (Procurement and Compliance) Health & Safety Advisor
Next Revision Date	October 2026
Related Documents	H&S Policy
Location of Electronic Copy	F:/LIVE POLICIES

## 1. Policy Statement

Viewpoint places a high importance on ensuring a safe and healthy environment for all employees, customers, contractors, visitors and members of the public.

As the Landlord, Viewpoint has many legal, regulatory and contractual duties. These include ensuring our housing stock meets legal standards in terms of condition, as well as ensuring the safety of all our tenants.

To enable Viewpoint to meet these duties, it is vital that there are no barriers to accessing any of our tenant's houses when necessary. Where barriers do exist, Viewpoint will work with the tenant to make the access as mutually agreeable as possible, providing support to the tenant where required, and having a robust escalation process where access is not given.

## 2. Purpose

The purpose of this policy, and the procedure which supports it, is to ensure that our premises are safe and meet all minimum required standards as set out in legislation, regulation and any contractual obligations.

To allow Viewpoint to do this, there will be times when we require access to enter our tenanted properties, to see what condition the property is in or carry out any work required to make sure the property meets the standards.

The policy will ensure:

- Forcing access to any Viewpoint property is taken as the last resort.
- A robust escalation process is in place to provide the tenant with the opportunity to give access at a mutually convenient time while advising that it may lead to forced entry where no access is provided;
- Viewpoint can exercise its legal right as a landlord to enter the property, having given the tenant the legally required notice of 24 hours, to inspect the property's condition or carry out works required to meet any legal, regulatory and/or contractual obligations;
- A fair and transparent process to gain access to the property where the tenant has either not agreed to give access or ignores any contact requesting access;
- Viewpoint can carry out any forced entries with minimum disruption, complying with relevant legislation and good practice;
- Viewpoint can re-charge any tenant(s) who do not allow access to a

Viewpoint property for any associated costs Viewpoint incurs by having to force entry.

- Forced entry will only be taken where the Viewpoint No Access Procedure has been followed and all necessary evidence is recorded and available. Access will only be forced once the evidence has been reviewed and signed-off by the appropriate member of staff, as detailed in the No Access Procedure.

### 3. Legislation/regulations and standards

Access to properties will be in line with relevant legislation and for legitimate reasons governed by the following:

- The Housing (Scotland) Act 1987 as amended
- Housing (Scotland) Act 1987 (Tolerable Standard) (Extension of Criterion) Order 2019
- Part 3 of the Housing (Scotland) Act 2010, introducing the Scottish Social Housing Charter
- SHQS Technical Guidance for Social Landlords
- The Scottish Secure Tenancy Agreement (SST)
- The Gas Safety (Installation and Use) Regulations 1998 as amended. A specific duty relating to annual servicing for gas appliances is contained within the Gas Safety Regulations 1998.
- The Housing (Scotland) Act 2014 requires that Electrical Installation Condition Reports (EICRs) are obtained for each property at least once every five years.
- Fire safety and smoke alarm requirements are part of the "tolerable standard" set out in the Housing (Scotland) Act 1987
- Human Rights Act 1998

The SST Agreement is a legally binding contract based on legislation and must be signed by all tenants. It protects both the tenants' and Viewpoint's interests as well as setting out the responsibilities of both parties. It states Viewpoint's right and responsibilities as a landlord to carry out any work (repairs) necessary to put the house into a state which is wind and watertight and, in all respects, reasonably fit for human habitation.

This duty includes consideration of the extent to which the house falls short of any current building regulations and or safety standards, keeping in repair the structure and exterior of the house, and keeping in repair and in proper working order, any installations in the house provided by Viewpoint for:

- the supply of water, gas and electricity;
- sanitation (for example basins, sinks, baths, showers, toilets);

- hot water heating;
- space heating (for example central heating) including fireplaces, flues and chimneys.
- the right of access in order to lay wires, cables and pipes for the purposes of telecommunications, water, gas, electricity.

It explains Viewpoint's right to enter the property, having given 24 hours' notice in writing, unless under emergency circumstances. Where entry is refused, forcible entry can be made provided the tenant has been given every reasonable opportunity to give access voluntarily.

#### **4. Scope**

This policy covers all Viewpoint properties with a tenancy agreement, an exclusive occupancy agreement or other lease agreement.

#### **5. Roles and Responsibilities**

##### **Board**

The role of Viewpoint's Board is to ensure that this policy, as well as any associated policies, are regularly reviewed, as required, or in accordance with the usual cycle of policy review.

The Board will, in fulfilling its function, ensure that it complies as necessary with this policy, and the associated policies, procedures and documentation which support it.

##### **Executive and Leadership Teams**

The role of the Executive and Leadership Teams is responsibility for ensuring that this policy, and the associated policies, procedures and documentation which support it, are implemented within Viewpoint. The Executive and Leadership Teams shall ensure that no access procedure are in place, and that they are operated properly from day-to-day. The Executive and Leadership Teams shall also ensure that relevant managers and team members familiarise themselves with this policy, and the associated policies, procedures and documentation which support it, as well as undertaking any associated training.

##### **Staff**

All relevant staff are responsible for ensuring that they familiarise themselves with this policy, and the associated policies, procedures and documentation which support it, as well as undertaking any associated training.

#### **6. Monitoring & Evaluation**

To ensure this policy remains current and effective it will be reviewed every 3 years or where a need is identified by monitoring methods.